

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 4, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 a.m. by Vice-Mayor Cox and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis (arrived at 7:15 p.m.), Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Administrative Secretary Gloria Casale recording the meeting.

3. OPEN PUBLIC MEETING

Vice-Mayor Cox advised the speakers of the Open Public Meeting procedures, informing the Council that the Mayor had been detained and would be arriving shortly.

Jim Bunce, President of the Davie Professional Firefighters, dedicated the first 30 seconds of the public meeting to the remembrance of Al Tyler who recently passed away. He thanked Council for taking the necessary steps to place the Charter amendment regarding the Fire Department on the ballot and expressed thanks from the firefighters to the residents for supporting the amendment.

Dan Barr, 11550 SW 37 Court, stated that the electorate had endorsed \$12 million for future parks and recreation for the Town. He congratulated Lisa Edmundson on her efforts in getting the message out to the voters. Mr. Barr expressed his hope that the competitive bidding process would be in full force when vendors and suppliers offered goods and services to the Community Services Department. He also made mention of Mr. Tyler and how much he had given to the Town of Davie.

Monroe Kiar expressed his thoughts on the passing of Mr. Tyler. He thanked the Council for their farsightedness with regard to the parks bond issue.

Dean Alexander, 13820 SW 16 Street, stated that he felt the passage of the bond issue gave Council an opportunity to enhance its credibility by showing that Council would keep its pledges to spend the bond funds as promised.

Jay Stahl, 5801 Surrey Circle West, Ivanhoe, congratulated the sharp shooter team from Davie in beating out New Zealand. He read a letter that he had written to the Sun Sentinel, which elaborated on how much former Chief of Police Jack Mackie had done for the community. Mr. Stahl also expressed sadness over the passing of Mr. Tyler. Dave Kaplan, 7791 NW 33 Street, congratulated Council on the bond issue and indicated that he was looking forward to the improvements. He stated that he was concerned over the use of 78th Avenue for a new development going in on Stirling Road and the broken sidewalk in that area. Mr. Kaplan also expressed concern over several areas that were not being maintained either by the Town or by the individual developments in terms of landscape overgrowth, asphalt needing work, code enforcement, utility work, and maintenance of traffic.

Councilmember Paul questioned Mr. Rawls about the issue of lopsided trees, which was brought up by Mr. Kaplan. Mr. Rawls indicated that he would contact Florida Power and Light and suggest that the area cited by Mr. Kaplan be maintained better. Vice-Mayor Cox questioned Mr. Rawls about the sidewalk issue mentioned by Mr. Kaplan. Mr. Rawls stated that the Town would contact the developer to make the necessary repairs in that area.

Sandy Switzer, 13510 S.W 29th Street, thanked the voters for voting for her and specifically thanked Councilmember Paul and Kathy Cox for their help. She also mentioned missing Mr. Tyler and Larry Lane.

4. CERTIFICATION OF RESULTS - November 3, 1998 Referendum

Ms. Casale read the results of the November 3rd election (attached hereto and made a part hereof these records). Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the election results. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

5. PRESENTATIONS

5.1 Davie/Cooper City Chamber of Commerce

Doug Blecki, representing the Chamber, advised of the events that the Chamber was planning.

5.2 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Recreation Supervisor Bette Stark mentioned the Country Western Night for Adults and Seniors and Davie Adult and Senior Program annual Thanksgiving luncheon as being upcoming events. She also reported that the Davie Adult and Senior trips had been filling up.

Special Projects Coordinator Bonnie Stafiej elaborated on the sharp shooter competition with New Zealand. She mentioned the upcoming Student Government Day (November 18, 1998), the Annual Holiday Country Craft Show (November 21st - 22nd), and the Concert in the Park (November 22nd). Ms. Stafiej stated that Davie would be hosting the Mrs. Broward competition and discussed the Holiday Lighting of the Green. She stated that the Town was looking for participants in the First Annual Charity Open Invitational Orange Blossom West Fair Cowboy Cow Pasture Golf Classic.

Lisa Edmundson expressed her thanks to everyone who had helped in getting the parks and recreation bond passed.

6. OCCUPATIONAL LICENSES

Home Occupational Licenses

6.1 Bustin Balloons, 5025 SW 64 Avenue

The applicant was not present.

6.2 Emeline Designs, 2651 SW 130 Terrace

Emeline Espinet, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

Seasonal Sales (Christmas Trees) - Waiver of Fees

6.3 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2701-2751 North University Drive; November 28 to December 24, 1998)

Grant Marant, representing the applicant, was present.

Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

Mr. Marant mentioned that the Association would be holding a yard sale on January 9, 1999, at the Prime Plaza on Stirling Road.

6.4 Davie PAL, 6901 Orange Drive (location: 2300 South University Drive; November 27 to December 24, 1998)

Lieutenant Gary Killam, representing the applicant, was present.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

Lieutenant Killam gave an update on the spaghetti dinner held by the Davie Police Athletic League.

Mayor Venis announced that items 9.14, 11.1 and 11.3 were requested to be tabled until November 18, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

Mayor Venis announced that item 9.15 was requested to be tabled until December 1, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote

was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (**Motion carried 5-0**)

Mayor Venis announced that item 13.1 was withdrawn by staff.

Mayor Venis announced that item 11.6 was requested to be tabled until December 1, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (**Motion carried 5-0**)

7. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

CONGRATULATIONS. Councilmember Weiner expressed congratulations to Sandra Switzer and Tom Greene. He also congratulated their opponents.

THANKS. Councilmember Weiner thanked all of the Town's voters for turning out.

JOINT POWERS. Councilmember Weiner stated that tremendous strides had been made in working towards a joint powers agreement.

CABLE FRANCHISE. Councilmember Weiner thanked Mr. Rawls and Programs Manager Will Allen for looking into the cable franchise. He indicated that other vendors would be able to offer their services.

PARADE. Councilmember Weiner expressed his appreciation to Nancy Munce, her family and a few other people for making everyone feel at home during the preparation for the parade.

APOLOGIES. Councilmember Weiner apologized to Mayor Venis for not attending his wrestling match. He explained that he had been attending an event honoring Mort Meyers as Humanitarian of the Year.

AL TYLER. Councilmember Weiner expressed his thanks to the Sun Sentinel for doing a very nice obituary column on Mr. Tyler.

VICE-MAYOR COX

THANKS. Vice-Mayor Cox thanked the voters, volunteers, and the firefighters for supporting the parks and recreation bond. She promised that she would do her very best to reach their goal of making the Town a better place to live and raise families. Vice-Mayor Cox suggested to Council that they extend the role of the Parks and Recreation Advisory Board to return to the communities with a list of the things proposed and make sure that there was a consensus from the communities as to what their recommendations were so that there can be as much public input as possible.

AL TYLER. Vice-Mayor Cox commented on Mr. Tyler's passing and elaborated on her memories of Mr. Tyler.

COUNCILMEMBER PAUL

CONGRATULATIONS. Councilmember Paul congratulated all the winners in the November election and wished them good luck.

PARKS AND RECREATION BOND ISSUE. Councilmember Paul mentioned that she also would be dedicated to making sure that the money for the bond issue was spent wisely and that an accounting would be made available.

NATIVE AMERICAN HERITAGE MONTH. Councilmember Paul stated that November was Native American Heritage Month and asked that special thought and thanks be given for the contributions they have made to this country.

TRAILS FOR PEDESTRIANS, BIKES, AND HORSES. Councilmember Paul reported on the progress of these trails. She requested that Mr. Rawls look into the use of Old Post Bridge in terms of protecting the pedestrians, bikes, and horses as they cross that bridge.

AL TYLER. Councilmember Paul repeated a few of her comments made at the funeral for Al Tyler.

COUNCILMEMBER BUSH

THANKS. Councilmember Bush expressed thanks to all the residents who voted in the November election.

MAYOR VENIS

CONGRATULATIONS. Mayor Venis thanked everyone who worked diligently in passing the parks and recreation bond issue. He congratulated all the voters and winners in the Town who participated in the process of the election.

COMMUNITY NOTES. Mayor Venis stated that he and Mr. Rawls had attended a homeowners meeting at the Everglades Mobile Home Community. He indicated that the issue of Reese Road came up at the meeting and advised that he had contacted Mr. Wolf from the Department of Transportation. Mayor Venis reported that Mr. Wolf had stated that the matter was very close to being resolved, with a meeting scheduled for the following week.

SERGEANT ANTHONY VITALE. Mayor Venis mentioned that Sergeant Anthony Vitale had been honored Miami Herald for saving a young child's life in Cooper City, adding that he felt that the Town had one of the finest police forces in Broward County.

DAVIE NIGHT. Mayor Venis advised that November 29th was going to be Davie Night for the Florida Thundercats at the Broward Arena and indicated that a portion of the ticket sales would go to the EASE Foundation.

AL TYLER. Mayor Venis commented on the passing of Mr. Tyler and expressed his sadness over the loss.

8. TOWN ADMINISTRATOR'S COMMENTS

BOND ISSUE. Mr. Rawls commented on the passing of the park and recreation bond and encouraged everyone's participation. Mr. Rawls followed up on Vice-Mayor Cox's comments with regards to extending the role of the Parks and Recreation Advisory Board, agreeing with her that the Board's role should be expanded.

AL TYLER. Mr. Rawls expressed his thoughts on Mr. Tyler and how much he would be missed. He suggested that Council consider planting a tree in Mr. Tyler's honor as he had been a member of the Open Space Committee.

9. CONSENT AGENDA

Minutes

9.1 September 15, 1998 - Workshop Meeting (tabled from October 21, 1998)

9.2 October 21, 1998 - Regular Meeting

Resolutions

9.3 ZONING IN PROGRESS EXTENSION - A RESOLUTION OF THE TOWN OF R-98-342 DAVIE, FLORIDA EXTENDING THE PLANNING AND ZONING IN PROGRESS, FOR PROPERTIES BORDERING GRIFFIN ROAD EAST OF UNIVERSITY DRIVE AND WEST OF SR 7, FOR A PERIOD NOT TO EXCEED 60 DAYS; PROVIDING FOR AN EFFECTIVE DATE.

9.4 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-343 AUTHORIZING A REVISION TO THE PEBBLE CREEK AT DAVIE PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 10-1-98, 1901 SW 118 Avenue)

9.5 LEGAL SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-344 APPROVING THE FIRM OF ADORNO & ZEDER, P.A. TO PERFORM LEGAL SERVICES FOR BOND RELATED MATTERS.

9.6 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-345 THE BID FOR PRESSURE CLEANING AND EXTERIOR PAINTING OF THE TOWN HALL COMPLEX. (V.I.P. Painting, Inc.; \$20,940)

9.7 CONCURRENCY REQUIREMENTS - A RESOLUTION OF THE TOWN OF R-98-346 DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND THE SUCCESSORS IN INTEREST TO SILVERADO DEVELOPMENT CORP., PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE ICW NORTH AND SOUTH PLATS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR

SIGNATURES TO SAID AGREEMENT. (DG 10-2-98, 4100 and 4300 SW 160 Avenue)

9.8 DAYCARE PROGRAMS - A RESOLUTION OF THE TOWN OF DAVIE, R-98-347 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WEST BROWARD YMCA TO OPERATE AFTER SCHOOL, SCHOOL DAYS OFF, WINTER BREAK AND SPRING BREAK DAYCARE PROGRAMS

9.9 WAIVER OF FEE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-348 AUTHORIZING THE TOWN OF DAVIE TO WAIVE THE ESTABLISHED FEES FOR THE ROLLER HOCKEY PERMIT AND LIGHT FEES AT SHENANDOAH PARK FOR A PERIOD OF UP TO FIFTEEN HOURS PER WEEK FOR THREE MONTHS FOR THE WESTERN AREA ROLLER HOCKEY LEAGUE. (waiver of \$2,400 for a two month period)

9.10 LOT CONVEYANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-349 RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF A LOT TO ALMETTA WALKER FOR CONSTRUCTION OF A NEW HOUSE IN THE EASTSIDE NEIGHBORHOOD; AND PROVIDING FOR AN EFFECTIVE DATE. (5560 SW 43 Street)

9.11 TRAFFICWAYS BEAUTIFICATION AGREEMENT/MAINTENANCE - A R-98-350 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE TRAFFICWAYS BEAUTIFICATION AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR MAINTENANCE OF IMPROVEMENTS ALONG DAVIE ROAD. (Davie Road generally between SW 43rd Street and Nova Drive)

9.12 TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-351 AUTHORIZING EXTENDED TRAVEL FOR CHRISTOPHER CHASTAIN AND GENE DIGIACOMO OF THE DAVIE POLICE DEPARTMENT TO ATTEND THE 191ST POLICE ACADEMY. (\$3,150)

9.13 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-352 AUTHORIZING THE TOWN COUNCIL TO AMEND THE AGREEMENT FOR THE APPOINTMENT OF ROBERT RAWLS AS THE ASSISTANT TOWN ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE.

Ordinances - First Reading (Public Hearing to be held November 18, 1998)

9.14 VACATING UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN TRACT "A" OF THE WEST PARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-98, 14450 State Road)

9.15 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING STRUCTURES OF NO LESS THAN 20,000 FEET IN SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

9.16 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC 98-3B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL (5 DU/AC)" TO "EMPLOYMENT CENTER, SPECIAL CLASSIFICATION," AND AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT TO ESTABLISH AN EMPLOYMENT CENTER SPECIAL CLASSIFICATION WITH SUPPORTING

POLICY IMPLEMENTATION LANGUAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Secretary Casale read the ordinances - first reading by title. Mayor Venis stated that there would be a public hearing on items 9.14 through 9.16 at the November 18, 1998 Council meeting.

Councilmember Paul requested that items 9.4, 9.5, 9.9, and 9.16 be removed from the Agenda. Vice-Mayor Cox requested that item 9.13 be removed from the Agenda. Councilmember Weiner requested that 9.1 and 9.3 also be removed from the Agenda.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 9.1, 9.3, 9.4, 9.5, 9.9, 9.13, and 9.16. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes.

(Motion carried 5-0)

9.1 Councilmember Weiner stated that these minutes were from a workshop which had been modified since the last meeting.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve the revised minutes of the workshop meeting. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

9.3 Councilmember Weiner asked for clarification as to whether or not this resolution would impact anything pending for meetings within a 60 day period. Jeff Katims, Planner, responded that the Town currently had six applications and probably had been tabled to within the 60 day period. He added that the applications would have to be tabled again which is why staff was "trying to get it done" within the 60 days.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

9.4 Councilmember Paul expressed concern on the plat revision in terms of the total acreage and the dry land area and ensuring that the lot size not be lessened any further. Gayle Easterling, Planning and Zoning Manager, responded that the property had previously been rezoned from AG to R-1 and that this resolution was for a boundary plat with a note change from seven units to eight units.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

9.5 Councilmember Paul stated that she was concerned about the move from Ruden McClusky to another firm for the performance of legal services. Vice-Mayor Cox explained that the partner who had handled the Town's bond matters had moved to the other firm. Councilmember Weiner stated that although he supported this particular item, he felt that in the future the service should be bid out.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

9.9 Councilmember Paul questioned why the Town was waiving the fee. Ms. Stark explained that 30% of the children who were participating were residents of the Town and added that they hoped to expand on the participation of Davie residents.

Vice-Mayor Cox agreed that there needed to be more children from the Town. Mayor Venis stated that Mr. Meyers had volunteered to help with the organization of the Town's own roller hockey league.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes, based upon it being for a two month period. **(Motion carried 5-0)**

9.13 Vice Mayor Cox stated that this item was the contract for Mr. Rawls and indicated that the only problem was the time period. She stated that the issue of the remuneration was not a problem. Councilmember Weiner agreed with Vice-Mayor Cox in terms of Mr. Rawls earning his compensation and also suggested that the contract be for a three year term rather than a five year term. Mr. Rawls requested that Council not reduce the time period

to less than what it currently was. Mayor Venis stated that he had no problem continuing with the five year term, which is what already existed.

Councilmember Bush made a motion, seconded by Councilmember Weiner to approve Item 9.13. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

9.16 Councilmember Paul expressed her concern over the employment center and the impact that it would have on Lake Pine along with the agricultural land next to it. Councilmember Weiner asked for clarification on the land this would pertain to. Mr. Webber answered that the parcel of land was situated off of I-595 and State Road 84. Mayor Venis mentioned that there was another area on the western side of Town that had been suggested for an employment center.

Councilmember Bush made a motion, seconded by Councilmember Weiner to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. **(Motion carried 4-1)**

10. SITE PLANS

10.1 SP 6-1-98, The Village Center at Davie, 3405 North University Drive (B-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report as amended under condition number 6 to delete items c., d., and i., changing item b. to "...replacing, as needed, all existing bottlebrush on the site with Crape myrtles", and changing g. to indicate the staggering height of the Sabal palms against the soccer club at 16 feet, 18 feet, and 20 feet, or more, overall* Frank Perez, representing the applicant, was present. Ms. Easterling read the planning report and discussed the site plan.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve subject to the Site Plan Committee recommendation and the planning report. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

11. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

11.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RO AND A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue) (tabled from October 21, 1998)

This item was tabled earlier in meeting.

11.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 98-44 FLORIDA, AMENDING THE TOWN CODE BY ADDING TO CHAPTER 2, ARTICLE IV, ENTITLED "REGISTRATION OF LOBBYISTS" REQUIRING DISCLOSURE OF THE IDENTITY AND ACTIVITIES OF PERSONS WHO ENGAGE IN EFFORTS TO INFLUENCE COUNCILMEMBERS EITHER BY DIRECT COMMUNICATION TO SUCH OFFICIALS OR BY SOLICITATION OF OTHERS TO ENGAGE IN SUCH EFFORTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYING REGISTRATION AND STATEMENTS; PROVIDING FOR CONDUCT OF PRINCIPALS AND TOWN COUNCILMEMBERS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Secretary Casale read the ordinance by title. Mayor Venis asked if anyone wished to speak for or against the ordinance.

Laura King expressed her belief that it could serve to be a healthy endeavor if everybody was aware of who was attempting to influence Council.

Mayor Venis closed the public hearing.

Councilmembers Weiner and Paul thanked Tom Truex and Dean Alexander for their efforts in drafting the proposed ordinance. Councilmember Paul suggested that "C" be added to Section 2-59 which would prohibit department directors and Councilmembers from lobbying activities for one year after resignation or retirement. Councilmember Weiner questioned if this change would substantially change the proposed ordinance and if the introduction of this clause would be applied prospectively or if it would be retroactive. Mr. Webber responded that this change would constitute a substantial change and it would have to be re-noticed. He indicated that in order for an ordinance to have retroactive application, it would have to be specifically stated which this ordinance did not, so this would apply prospectively only.

Mayor Venis stated that he thought the Charter and Florida State Statutes already prohibited individuals who were no longer sitting on Council from lobbying future Council for two years. Mr. Webber responded that this was correct. Councilmember Paul indicated that it would then be appropriate to withdraw Council for her suggested change.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve without the introduction of "C".

Councilmember Bush stated that he was concerned about Section 2-58(2), dealing with past relationships. He commented that he felt that it was creating some kind of a punishment for things done in the past. Mr. Webber stated that he would have to review this but indicated that he did know that this would be retroactive application. Councilmember Bush

indicated that he felt that this provision effected three of the sitting Councilmembers and not the two new members. He thought the provision should start with the beginning of the ordinance.

Mr. Alexander explained how the provision was arrived at, however, he was also troubled with the expost facto factor of it. Mr. Webber indicated that this provision could be eliminated and he did not think this was a substantial change.

Mr. Truex agreed with Mr. Alexander except that he did not agree that it could be removed. He thought this provision was one of the most important parts of the ordinance. Discussion followed with Mr. Webber clarifying that he was not sure if the Florida Statutes would cover lobbyist as described in the ordinance.

In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (**Motion denied 2-3**)

Councilmember Paul asked if language could be added to indicate that the requirements began with the effective date of the ordinance but "from here on in, you would have to go back for two years. Mr. Webber responded affirmatively. After discussion, Mr. Webber indicated that if Council wished to begin the provision as of the effective date of the ordinance, that no disclosure need go back behind the effective date of the ordinance, it would be an easy thing to add. Councilmember Weiner questioned if this changed would not be a substantial modification of the ordinance with Mr. Webber replying that he did not think so.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to amend the ordinance to include "that".

Vice-Mayor Cox stated that she did not have a good memory and it would be tough for her to remember who she spoke to or who lobbied her two years ago with Mayor Venis agreeing. Councilmember Weiner read Section 2-58(2) and indicated that it did not talking about lobbying activity but for the lobbyist to recall if a family member or business had a relationship with someone who became a Town official. Councilmember Bush indicated that it was not that simple because of the word "extent." Mr. Webber stated that the following language could be added to the ordinance: "No disclosure would be required of any such relationship existing prior to the effective date of this ordinance." He stated that this would have everything start as of the adoption of the ordinance.

Mr. Webber clarified that the motion was to approve the ordinance as it was in the agenda packet with one exception which was to add to Section 2-58(A)(2) the following language: No disclosure would be required of any such relationship existing prior to the effective date of this ordinance." Councilmember Weiner affirmed the motion.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (**Motion carried 5-0**)

Quasi Judicial Items

11.3 **VACATION/ABANDONMENT** - VA 9-1-98, Poinciana Homes of Broward, Inc., State Road 84 and

SW 136 Avenue (to vacate a 10 foot utility easement located on Tract A of the West Park - West Parcel Plat)
Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial
This item was tabled earlier in the meeting.

11.4 VARIANCE - V 9-1-98, Calvary Chapel Sawgrass/Friedewald, 1775 Flamingo Road (AG) (to reduce the required separation between houses of worship from 2,500 to 1,200 feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the petitioner's voluntary stipulation that access would only be off Flamingo Road and that any field lighting would be installed to face north and south*

Mr. Webber explained the rules concerning the admission of evidence and swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. She indicated that if Council considered approving this separation variance, they should note that it would be subject to rezoning of the property to the CF district which would permit church use.

Gary Morrow, representing the petitioner, was present and discussed the request. He provided a handout which included a simple outline of the issue, a copy of the ordinance that establishes the separation requirement, a letter from Department of Transportation that approved the building of a bridge across the canal that would lead from Flamingo Road to the church site, a petition or letters of support from people who live in and around Davie, and a list of people belonging to the church.

Mr. Webber questioned Tony LaCote, to whom the letter from the Department of Transportation was addressed, as to whether he could verify the authenticity of the letter. Mr. LaCote responded in the affirmative.

Mr. Webber indicated that the documents were appropriate to be accepted for their consideration.

Vice-Mayor Cox asked if the applicant had discussed with the Christian Fellowship the possibility of purchasing their site as the zoning was already in place. Rev. Morrow indicated that they wanted a lot of money and it would create a situation whereby some of the church members who lived in the adjacent neighborhoods would have to cross six lanes of traffic on Flamingo Road to get to the church.

Mr. Webber asked if there was anyone who wanted to speak in favor of the petition. The following individuals spoke:

Betty Donner DeWitt, 4407 SW 66 Terrace.

Linda Berman, 3220 Old Hickory Court.

Fred Berman, 3220 Old Hickory Court.

Charles York, 10599 NW 28 Street - Sunrise.

Rena Correa, 13350 SW 6 Place.

Jared Riggs, 650 SW 133 Terrace.

George May, 45 Dogwood - Paradise Village.

Gail Capouche, 3001 West Rolling Hills Circle.

Don Friedewald, 1531 West Ivanhoe Circle.

Kathy Maura, 12210 NW 29 Street.

Gary Dyer, 10761 NW 14 Street - Plantation.

Beth Chapman, 1850 SW 81 Way.

Anthony Nevarez, 14771 North Beckley Square.

Mr. Webber asked if there was anyone who wished to speak in opposition to this variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Vice-Mayor Cox questioned if the zoning were changed, would this preclude the Christian Fellowship plat from developing a church. Ms. Easterling responded that she did not believe that it would.

There was some discussion amongst the Council as to whether approving this variance might open the doors for more variances to be changed.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve the variance subject to the Planning and Zoning Board recommendation and the rezoning. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. **(Motion carried 5-0)**

11.5 SPECIAL PERMIT - SE 8-2-98, Pellerito/Home Depot, 2300 South University Drive (B-3) (to permit an outside food vendor adjacent to the store entrance) *Planning and Zoning Division recommended subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and a mandatory review in one year by the Board and Council*

Secretary Casale swore in the witness. Mayor Venis questioned if the report could be summarized if there was no one speaking opposition. Mr. Webber confirmed with the witness that he would be speaking in favor of the request. Ms. Easterling summarized the planning report.

An unidentified man stated that he would like to have permission to be located outside Home Depot as the inside space was needed.

Mr. Webber concluded the hearing as there were no further speakers.

There was discussion amongst the Councilmembers regarding the number of notices that were sent out and whether or not the vendor had a license to operate while he was inside the store. Vice-Mayor Cox asked if this would set a precedent for other kinds of activities on the sidewalk with Mr. Webber responding that if someone else could meet the same criteria then it would.

Mary Trubiano, operator of the food stand, stated that Home Depot had a new manager who was requesting that the stand be moved outside. She commented that she had been there for two years and had had no complaints, adding that Home Depot would like her to stay but they needed the stand to be outside the store.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to deny the special permit. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes;

Councilmember Paul - yes; Councilmember Weiner - yes. (**Motion carried 4-1**)

Ordinance - First Reading (Second public hearing to be held November 18, 1998)

11.6 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 7, 1998)

This item was tabled earlier in the meeting.

12. APPOINTMENTS

12.1 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)

This item was deferred as there was no appointment

13. OLD BUSINESS

13.1 WITHDRAWN BY STAFF

LA BC 98-3A, Town of Davie, generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike (from Residential 1 du/ac and Residential 5 du/ac to Employment Center and Recreation and Open Space) *Planning and Zoning Division recommended approval; Local Planning Agency recommended denial*

Mr. Rawls stated that staff had reviewed this matter and had received considerable input from the community. He indicated that it had been determined that there were a number of questions for which there were no immediate answers available and because of this, staff felt that the item should be withdrawn.

Ms. King addressed Council and thanked them for taking a second look at this issue and the manner in which it would impact the surrounding neighborhood.

Mr. Webber advised Council that the 142nd Avenue complaint was faxed in final form to him that day. With regard to the City of Sunrise litigation, he stated that that complaint was also in its finalized form.

14. NEW BUSINESS

Vice-Mayor Cox addressed Council with regard to a letter received from the Community Redevelopment Agency. She indicated that Council needed to look at developing Code language regarding zoning in progress that would bring buildings to the streets and perhaps require a height of a story and a half.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, directing staff to develop a new ordinance with language regarding zoning in progress in having buildings on the street and a height of one and a half stories, with exceptions for anyone with a site plan already in progress or a site plan approved. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (**Motion carried 4-1**)

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:45 p.m.

